

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DAMIEN MCGIRT,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-19-0127-F
	)	
TERRY PULLEY, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Damien McGirt, a pre-trial detainee appearing *pro se* and *in forma pauperis*, brings this action pursuant to 42 U.S.C. § 1983, alleging violations of his first amendment rights. Before the court is a Report and Recommendation of March 5, 2019 (the Report, doc. no. 7), submitted by Magistrate Judge Shon T. Erwin. The Report is submitted following the magistrate judge's preliminary review of the complaint, conducted pursuant to 28 U.S.C. § 1915A(a) and 28 U.S.C. §1915(e)(2)(B).

Plaintiff has filed a timely objection to the Report. Doc. no. 8. The objection includes a written statement by the plaintiff, as well as other papers, all of which have been considered by the court. All objected to matters have been reviewed *de novo*.

The Report recommends: 1) that the court dismiss, with prejudice, the claims alleged against the Jackson County Law Enforcement Center (JCLEC); 2) that the court dismiss, without prejudice, the official-capacity claims alleged against defendants Bridges and Pulley; 3) that the court dismiss, without prejudice, the individual-capacity claim alleged against defendant Bridges for violation of the First


Amendment; and 4) that the court conclude plaintiff has stated an individual-capacity claim against defendant Pulley for violation of the First Amendment.

The court has reviewed plaintiff's objection to the Report, including all papers attached to the objection. Nothing stated in the objection (or the attached papers) impacts the Report's reasons for recommending dismissal of certain claims. The court agrees with the magistrate judge's recommendations, and the court finds that there is no need for any further analysis here.

Accordingly, plaintiff's objection is **DENIED** (doc. no. 8), and the Report and Recommendation of the magistrate judge is **ACCEPTED, ADOPTED** and **AFFIRMED** (doc. no. 7). As recommended in the Report:

- 1). The court **DISMISSES**, with prejudice, the claims against the JCLEC.
- 2). The court **DISMISSES**, without prejudice, the official-capacity claims alleged against defendants Bridges and Pulley.
- 3). The court **DISMISSES**, without prejudice, the individual-capacity claim alleged against defendant Bridges for violation of the First Amendment.
- 4). The court **CONCLUDES** that plaintiff has stated an individual-capacity claim against defendant Pulley, for violation of the First Amendment. This claim against defendant Pulley survives this order for further consideration by the magistrate judge, to which this action remains referred.

IT IS SO ORDERED this 21<sup>st</sup> day of March, 2019.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE